

Notice of Allowability

Application No.

09/926,088

Examiner

Kamran Afshar, 703-305-7373

Applicant(s)

TAKAO ET AL.

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/23/2004.
2. ☒ The allowed claim(s) is/are 1-42.
3. ☒ The drawings filed on 29 August 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Allowable Subject Matter

1. Claims 1-42 are allowed.

The following is an examiner's statement of reasons for allowance: 1-42.

With respect to claims 1, 22, the prior art of record fails to disclose or render obvious that detecting that the radio base station fails to provide a predetermined minimum bandwidth for said mobile station due to increasing shortage of radio resources; and switching the communicating counterpart of the mobile station from the radio base station to another radio base station in response to the detection at the detecting step.

With respect to claim 2, the prior art of record fails to disclose or render obvious that selecting one or more radio base stations based on transmission capacity of the radio base stations such that a totality of the one or more radio base stations provide a total data transmission capacity satisfying the predetermined minimum bandwidth; and switching the communicating counterpart of the mobile station.

With respect to claim 10, the prior art of record fails to disclose or render obvious that selecting a combination of a mobile station that communicates with the radio base station and a required number of radio base stations required to satisfy a predetermined standard when the decision is made that the communication of the radio base station will become congested; and switching the communicating counterpart of the mobile station in the selected combination.

With respect to claim 23, the prior art of record fails to disclose or render obvious that the selecting unit configured to select one or more radio base stations based on transmission capacity of the radio base stations such that a totality of said one or more radio base stations provide a total data transmission capacity satisfying the predetermined minimum bandwidth.

With respect to claim 31, the prior art of record fails to disclose or render obvious that the selection unit configured to select a combination of any a given mobile station communicating with the radio base station and a required number of radio stations required to satisfy a predetermined standard

Art Unit: 2681

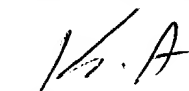
when said traffic congestion checking unit determines that the radio base station will be in a traffic congestion condition.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kamran Afshar whose telephone number is (703) 305-7373. The examiner can be reached on Monday-Friday.

If attempts to reach the examiner by the telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached @ (703) 308-4825. The fax number for the organization where this application or proceeding is assigned is (703) 872-9306 for all communications.



Kamran Afshar



**DAVID HUDSPETH
SUPERVISORY PATENT EXAMINER
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